

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL FOX,
Plaintiff,

v.

RYAN KIM, et al.,
Defendants.

CASE NO. 1:20-cv-0290 JLT (PC)

ORDER FOR CLARIFICATION

TWENTY-ONE-DAY DEADLINE

Recently, the Court screened Plaintiff's complaint and found it stated only an Eighth Amendment claim for medical indifference and a medical malpractice claim against Registered Nurse Ernest Zeigler. (Doc. 10.) The Court granted Plaintiff the options of standing on the complaint, proceeding with it as screened, or filing an amended complaint.

Plaintiff has now filed a response to the Court's order. (Doc. 11.) Plaintiff moves "to have the remaining defendant's found liable served with summons and complaint," but he also states that "[n]otwithstanding the asserted deficiencies appearing on the face of the complaint, those allegations of constitutional violation against the remaining Defendants are sufficient, on their face to permit jurors to determine whether they find for, or against, Plaintiff."

Because Plaintiff's intentions are unclear, the Court **ORDERS** Plaintiff to submit a notice of clarification within twenty-one days identifying whether he wishes: (1) to proceed with the complaint as screened (in other words, serve Registered Nurse Zeigler and dismiss all remaining

1 defendants and claims); or (2) stand on his complaint (in other words, insist that all of his claims
2 are cognizable and that all named defendants should be served).

3
4 IT IS SO ORDERED.

5 Dated: July 28, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE